

**TOWN OF MARLBORO  
Development Review Board**

**Application for Conditional Use  
Findings and Decision**

Permit # 22-17 CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review, under the Town of Marlboro Zoning Regulations, of an Application for Conditional Use submitted by Elizabeth (Sparrow) Stevens & Krishna Maples, PO Box 256, Marlboro, VT 05344-0256; Location: 2150 North Pond Road, Marlboro, VT; Tax Map # 04-00-23; Proposal: Build a Single-Family Dwelling located within the Wildlife Habitat Overlay District.
2. The Application was received by Mary Sargent, Zoning Administrator, on June 16, 2022. A copy of the Application is available at the Marlboro Town Office.
3. On July 30, 2022, notice of a public Hearing in the Town Office with *Zoom* videoconference was published in the *Brattleboro Reformer*.
4. On August 1, 2022, notice of a public Hearing in the Town Office with *Zoom* videoconference was posted at the following places:
  - Marlboro Town Clerk's Office
  - Bulletin Board outside the Marlboro Town Clerk's Office
  - Marlboro Town Website, [marlborovt.us](http://marlborovt.us)
5. On August 3, 2022, a copy of the notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the Applicants. On August 3, 2022, a copy of the notice of a public Hearing in the Town Office with *Zoom* videoconference was mailed to the following Owners of properties adjoining the property subject to the Application:
  - Peter & Nancy Wimmelman, PO Box 43, Wilmington, VT 05363-0043
  - William & Rebecca Sevigny, 2200 North Pond Road, Brattleboro, VT 05301-4514
  - Stillman Vonderhorst, 2407 North Pond Road, Brattleboro, VT 05301-7952
  - Alexander Ennis, 743 LaPlaya Street, Unit B, San Francisco, CA 94121
  - Emily Kunreuther, c/o Richard Evers, 15 West Street, Brattleboro, VT 05301
  - Dawn Hastings & Aaron Betts, PO Box 483, Marlboro, VT 05344-0483
6. The Application was considered by the Development Review Board at a public Hearing in the Town Office with *Zoom* videoconference on August 16, 2022. The DRB reviewed the Application under the Zoning Regulations of the Town of Marlboro, as amended March 6, 2018.

7. Present at the Hearing were the following members of the Development Review Board:

- Jean Boardman, Vice Chair
- Brent Seabrook, Clerk
- Gail MacArthur
- John Nevins
- Mary Sargent, Zoning Administrator

8. At the outset of the Hearing, the Development Review Board afforded those persons wishing to achieve status as an Interested Party an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that Statute could be met. The following persons sought Interested Party status:

- Dawn Hastings, Abutter
- Staley McDermet

9. The following exhibits were submitted to the Development Review Board during the course of the Hearing:

- Permit Application, signed by Owner Elizabeth (Sparrow) Stevens, dated 7/27/22
- Memo from Kevin Mills, Co-Owner of Record, dated July 24, 2022, supporting this Application
- Site sketch showing location of proposed house with existing driveway, well, and approved septic plan, including setbacks; unsigned and undated
- Information Sheet with complete specifications of the cabin to be built from a Jamaica Cottage Shop Pre-Cut Kit, showing dimensions and a photo of a finished structure
- State of Vermont Permit # WW-2-2478 (Wastewater System and Potable Water Supply Permit), dated December 26, 2006
- Potable Water Supply & WasteWater Disposal Plan, prepared by Beck Engineering, Bondville, VT, approved by Daniel Wilcox on 12/26/06 (Permit # WW-2-2478)
- Letter from Mic Metz, District Wetland Ecologist, State of Vermont DEC, confirming that the proposed septic system will not require a Conditional Use Determination from the State, dated June 29, 2007
- Email from Rebecca Chalmers, District Wetlands Ecologist, State of Vermont DEC, confirming that no site visit is required for this project, dated August 11, 2022
- Environmental Consultant Report with Natural Features Map, prepared by Pieter van Loon, State of Vermont Licensed Forester, dated August 14, 2022
- Town of Marlboro CTI Maps (2): Tax Map number 04-00-23, printed on July 14, 2022, showing dimensions, 20-foot contours, and *Ortho Imagery 2019*
- List of Abutters to the Stevens property (Tax Map number 04-00-23), with corresponding Town of Marlboro CTI Map, printed on July 31, 2022

These exhibits are available at the Marlboro Town Office.

## FINDINGS

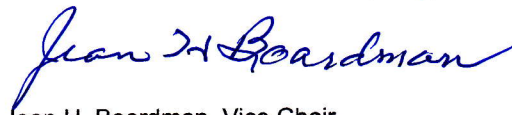
Based on the Application, testimony, exhibits, and other evidence, the Development Review Board makes the following Findings:

1. The Applicant seeks a Conditional Use Permit to build a Single-Family Dwelling located within the Wildlife Habitat Overlay District.
2. The subject property is a 21-acre parcel located at 2150 North Pond Road in the Town of Marlboro, VT; Tax Map Number 04-00-23. The property is more fully described in a Deed recorded at Book 50, Page 289, of the Town of Marlboro Land Records.
3. The property is located in the *Rural Residential District (RUR)* as described in the Town of Marlboro Zoning Map on record at the Town of Marlboro Municipal Office, and in *Section 305* of the Marlboro Zoning Regulations.
4. The Conditional Use request requires review under the following Sections of the Zoning Regulations: *Section 350 - Wildlife Habitat Overlay District* and related Sections through *Section 356 - Review and Decision by the Development Review Board*.
5. The Conditional Use requested meets the requirements of *Section 350 - Wildlife Habitat Overlay District* and related Sections through *Section 356 - Review and Decision by the Development Review Board*.
6. The Conditional Use requested, for a Single-Family Dwelling, is allowed within the *Rural Residential District* as by right, and the proposed development conforms with the purpose of the District.

## DECISION AND CONDITIONS

Based upon these Findings, the Development Review Board approves the following Conditional Use: to build a Single-Family Dwelling located within the Wildlife Habitat Overlay District, with the Condition that areas disturbed during construction be protected from erosion by application of a native seed mix and mulch.

Dated at Marlboro, Vermont, this 24 day of August, 2022.



Jean H. Boardman, Vice Chair  
Marlboro Development Review Board

NOTICE: This Decision may be appealed to the Vermont Environmental Court by an Interested Person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this Decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the *Vermont Rules for Environmental Court Proceedings*.